

ANDOVER BOARD OF HEALTH

Minutes

January 11, 2010, 6 P.M.
1st Floor Conference Room
36 Bartlet Street

The Board of Health meeting was called to order at 6:03 p.m. Present were Ms. Candace B. Martin, Chairman, Dr. Donald H. Miller, Vice-Chairman, Ms. Katherine Kellman, Clerk, and Mr. Thomas G. Carbone, Director of Public Health.

I. Approval of Minutes

- **Regular Meeting of December 14, 2009** – Tabled to February 8, 2010 Board of Health Meeting.

II. Appointments & Hearings

- **6 p.m. – David Kiu for Peking Garden, Status Update and Review** - Present were David Kiu, owner of Peking Garden and Maureen Lee the independent Consultant hired by Mr. Kiu. Ms. Lee was hired to do three inspections over a six-month period, and was able to do a couple more. Ms. Patricia Crafts, Health Inspector, performed an inspection today and found the same recurring problems with food preparation and temperatures. Ms. Martin told Mr. Kiu that she had expected that the critical violations would be corrected by the date of this meeting. Mr. Kiu responded that there is an issue with one refrigeration unit that is old and doesn't keep the temperature down to 41°; he can only maintain 45°. He tried to take some of the bins out to get more air circulation, and then tried to use smaller containers, but the temperature still stayed up. Ms. Lee informed the Board that they switched to metal pans instead of plastic and changed out the pan covers, but the temperature of 41° cannot be maintained. Ms. Lee recommended that Mr. Kiu have a Refrigeration Company come take a look at the unit to see if the air flow can be modified to keep the temperature down to 41°. Mr. Kiu stated that he spoke with his staff and asked the chef to check the temperatures every two hours and keep records of them. He said that his staff continually wants to take the quick and easy way out and does not understand the seriousness of the violations. They originally seem to understand and then go back to their same ways. Mr. Kiu feels like the staff is a big family and has problems with expressing to them how serious the situation is. Mr. Carbone verified that two staff members are ServSafe Certified, and suggested that he have more employees become certified so that they can become more educated and more aware of the importance of the standards that need to be followed. The Board Members told Mr. Kiu that these violations have gone on too long, and stressed to Mr. Kiu how important it is be stricter with his employees and make sure they know that if they continue to cause these violations then they could lose their jobs. Mr. Kiu, as well as his employees, should know that Peking Garden could very easily be shut down if the violations do not cease.

Motion by Ms. Martin, seconded by Dr. Miller, to continue the Hearing to the regularly scheduled Board of Health Meeting on June 14, 2010 at 6:00 p.m. for a status review as long as Mr. Kiu continues his monthly inspections with a private inspector. Also, if there is no marked improvement with each inspection, which includes education of the food workers, the Director of Public Health may place the matter onto an earlier agenda. Unanimous approval.

- **6:15 p.m. – Atty. William Bougioukas for 294 North Main Street, Appeal of Orders** – Mr. Carbone informed the Board that the owner of the property, James Bougioukas, passed away on December 12, 2009. When Mr. Bougioukas' son, Attorney William Bougioukas, met with Mr. Carbone on Monday January 11, 2010, he requested a continuance of the Appeal of Orders Hearing. The reason for his request is that there is no Executor in place at this time to handle James Bougioukas' Estate. Furthermore, there is a tenant issue that is being brought to Housing Court. Mr. Carbone recommended the Board grant the continuance until the February meeting with the hope that by that time an Executor will be appointed to represent the Estate.

Motion by Ms. Martin, seconded by Dr. Miller, to continue the Hearing to the regularly scheduled Board of Health Meeting on February 8, 2010. Unanimous approval.

- **6:30 p.m. – Saori Nagai for Genji Limited at Whole Foods Market, Request to Allow Acidification of Rice in Lieu of Time and Temperature Controls** - In attendance with Ms. Nagai were several of the Company Representatives, local and regional, as well as Sam Wong, Food Safety Consultant. Mr. Carbone pointed out that this is not the first time the Board has addressed this type of Variance, and he had only a couple of small procedural issues he would like to see changed and would get together with Mr. Wong to address those issues. Originally Genji requested to hold leftover rice until the next day, but Mr. Carbone did not want to allow that because then a second critical control step would have to be implemented to make sure the rice would have enough acidification at that later timeframe. Mr. Carbone also requested that the acidified rice at the Whole Foods location be tested at a certified laboratory at least once a year.

Motion by Ms. Martin, seconded by Dr. Miller to grant the Variance with the agreement that Mr. Carbone review and approve the suggested changes in written procedures, that there is agreement that the rice is discarded at the end of the day, and that the lab testing of the rice processed at the Whole Foods location follow chain of custody documentation with testing to be done at a certified laboratory once a year. Unanimous approval.

III. Discussion

- **H1N1 Response** – Mr. Carbone informed the Board that there now was a large amount of H1N1 vaccine available. Mr. Carbone was impressed with how North Andover handled their clinic through reverse 911 calls. They had 1200 doses and closed the clinic at 2 p.m. Lawrence and Methuen only gave out about 450 doses. For

the Andover clinic on Tuesday, 1/12/10, we have 1,500 doses available, and the vaccinations are for anyone 10 years of age and older. Then on Tuesday, January 19, 2010, we are having another Flu Clinic at the Andover Town House for children 2 to 9 years of age for their first or second dose of vaccine. The hardest part of getting a Flu Clinic together is finding a place big enough that is available. Mr. Carbone explained that he also looked at some of the business buildings to see if their facilities could be used, and would continue looking into that as an option. The surrounding communities have considered having a regional Flu Clinic also. Right now flu cases are down, but a third wave is expected as we enter active flu season. Ms. Martin sited a Sound Off item in the newspaper thanking the volunteers, and was pleased to see that opinion stated in the newspaper.

- **Set Meeting Dates March through June, 2010-** The Board decided on the dates for the next Board of Health Meetings: Monday, March 8, 2010; Monday, April 12, 2010; Monday, May 3, 2010; and Monday June 14, 2010.

IV. Old Business

- **MDOT Salt Shed** - Mr. Carbone informed the Board that the meeting went well, but he felt that they were almost starting over because they hadn't had a meeting in such a long time and he is concerned about funding for the site work. There originally was some money put aside, but Mr. Carbone is not confident that money is still available. Representative Finegold and Senator Tucker sent a person to represent their offices at the meeting. After a discussion with Buzz Stapczynski, Town Manager, and Steve Boynton, Mr. Carbone stated that the next step should be to have a small group meeting with some of the businesses off River Road as a focus group to show what the new Salt Shed area will look like. MDOT is still working with Chelmsford and Boxford before proceeding to the Andover Salt Shed issue.
- **Animal Regulation Work Group** – Mr. Carbone informed the Board that Town Manager, Buzz Stapczynski gave him a name of an Attorney in town that was interested in serving on a Board as a resident, and thought this may be a good place for him to start. Mr. Carbone was expecting to have the first workshop completed by the next scheduled Board of Health Meeting on February 8, 2010.

V. Definitive Subdivision Plans

- N/A

VI. Plan Review

A. D.W.R.P. Variances/Local Upgrade Approvals (LUA):

- **58 Prospect Road – LUA to Allow a Sieve Analysis in Lieu of a Percolation Test** – Mr. Carbone explained that the Engineer had originally hoped to seek a 1'

decrease to the water table, but Mr. Carbone discouraged that, so the LUA is only for the sieve analysis. Mr. Carbone recommended approval of the LUA.

Motion by Dr. Miller, seconded by Ms. Martin to approve the LUA to allow a Sieve Analysis in lieu of a Percolation Test. Unanimous approval.

VII.

Staff Reports

A. Director's Report:

- **Important Dates:**

- January 12th from 4 p.m. to 7 p.m. at West Middle School – H1N1 Clinic
- February 8th @ 6 p.m. – Board of Health Meeting
- February 12th – Dan Tremblay's Last Full-Time Day
- February 18th – MHOA/MDEP Seminar - Wilmington

B. Nurses' Report for December, 2009 –The Nurses' report was for informational purposes only.

C. Inspectors' Reports for December, 2009 – The Inspectors' Reports were for informational purposes only.

VIII. Board Member Reports

- **Six-Month Work Plan** – Ms. Martin commented on the Plan for July through December of 2009 and the progress that was made. Mr. Carbone also submitted to the Town Manager his list of accomplishments for the year which included updating regulations, and the successful completion of two H1N1 Flu Clinics as well as Seasonal Flu Clinics resulting in thousands of vaccinations given to the public.

IX. Adjournment

Motion by Dr. Miller, seconded by Ms. Martin to adjourn at 7:15 p.m. Unanimous approval.